



3 December 2015

TRANS-PACIFIC PARTNERSHIP AGREEMENT ('TPPA') FACT SHEET – Intellectual Property Chapter

- The TPPA has been finalised with the United States of America and 11 Pacific countries comprising Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam finally reaching a common understanding.
- The Minister of the Ministry of International Trade and Industry ('MITI'), Dato' Seri Mustapa Mohamed, has announced that the official text of the agreement is prepared, it will be in the public domain and presented to Parliament for debate.
- The text of the TPPA was made available to the public and can be accessed here: <http://fta.miti.gov.my/index.php/pages/view/267>
- Malaysia will have 90 days from the date of agreement to decide to sign the TPPA. It is estimated that, if at all, ratification will be within 2 years and the same will come into force in 2017/2018.
- On 27 November 2015, Dato' Sri Mustapa presented the cost benefit analysis of the TPPA to the cabinet. The cost benefit analysis was prepared by Pricewaterhouse Coopers and the Institute of Strategic and International Studies. A copy of the cost benefit analysis will be made available to the public in about 2 weeks.
- The TPPA does not change the Malaysian position with regard to patents i.e. the position with regard to patent protection, or the more topical issue of access to medicine, is the same.
- With regard to biologics, there will be provisions where data exclusivity will be protected for a period of 5 years.
- In relation to trade marks; it is provided that sounds and scents are to be regarded as trade marks/signs.
- With regard to the validity of copyright, the term is now extended to 70 years after the author's death or 70 years from the end of the calendar year of the first authorised publication of the work, performance or phonogram.
- It is also interesting to note that with regard to border measures, parties shall provide an application to suspend the release of, or to detain, any suspected counterfeit or pirated goods that are imported into the territory. Parties shall also provide provisions of reasonable security or equivalent assurance sufficient to protect the defendant and the competent authorities to prevent abuse.
- There will be another town hall briefing and workshop fixed in January 2016 to be held at the MITI HQ.

Disclaimer

Kindly note that the information provided above is of a general nature and is not intended for application to any specific scenario. The information represents the current position to the best of our knowledge and understanding. We disclaim all liability in connection with use of or any reference made to the above information. For legal advice and more information on the above, kindly contact us directly through our contact details below.